

REMARKS

Upon entry of the present amendment, claims 7 and 23 will have been amended to more clearly define the features of Applicants' invention. In view of the hereincontained amendments and remarks, Applicants respectfully submit that all of the claims in the present are now in condition for allowance and an action to such effect is respectfully requested. Further, such action is now believed to be appropriate and proper.

Applicants note that the status of the present application is after final rejection and that once a final rejection has issued, Applicants are not permitted to amend an application as a matter of right. Nevertheless, Applicants respectfully submit that entry of the present amendment is proper and appropriate and in full accordance with 37 C.F.R. § 1.116. In this regard, Applicants submit that the present amendments do not raise new issues requiring further consideration or search. In particular, Applicants respectfully submit and will set forth reasons hereinbelow showing that the claims in the present application, even prior to the hereincontained amendments, are clearly patentable over the reference cited by the Examiner. Moreover, the hereincontained amendments merely further define the features of Applicants' invention to thus even more clearly emphasize the patentability and distinctiveness of the present invention over the cited prior art. Accordingly, entry of the present amendment is submitted to be proper and is thus respectfully requested.

In the outstanding Official Action, the Examiner rejected claims 7, 9-11, 14, 15 and 17-31 under 35 U.S.C. § 102(b) as being anticipated by FROHBIETER (U.S. Patent No. 4,722,200). The Examiner asserted that FROHBIETER discloses a refrigerator containing all the features recited in Applicants' claim. Applicants respectfully traverse the above rejection and submit that the Examiner's assertion is incorrect. In this regard, Applicants note that in order for a rejection

to be proper under 35 U.S.C. § 102, every single recitation of the claim must be disclosed by the reference. Since in the present application, numerous explicitly recited features of Applicants' claimed invention are not taught, disclosed nor even rendered obvious by the FROHBIETER disclosure, Applicants submit that the pending claims are clearly patentable thereover.

In this regard, Applicants note that claim 23 explicitly recites, *inter alia*, that the cooling air outlets from the predetermined space to the freezing and cooling chambers are positioned at substantially a same elevation on opposite sidewalls of the partition. It is respectfully submitted that this feature is not disclosed by FROHBIETER. Moreover, claim 23 also recites that the predetermined space within the partition comprises a narrowed portion between the blower fan and the outlets to change a velocity of the cooling air output to the freezing and cooling chambers. It is clear that FROHBIETER also does not disclose this explicitly recited feature of Applicants' invention. Accordingly, for each of the above reasons and certainly for both of the above reasons, it is respectfully submitted that claim 23 is clearly patentable over the reference cited by the Examiner without any amendment whatsoever.

By the present response, Applicants have amended claim 23 to even further define over the disclosure of the FROHBIETER reference relied upon by the Examiner. In this regard, Applicants has now amended claim 23 to recite that the narrowed portions of the sidewalls and the cooling air outlets to the freezing and cooling chambers are symmetrically arranged about a rotational axis of the blower fan. As can clearly be seen by reference to Fig. 2 of FROHBIETER, this is clearly not true. Accordingly, for this additional reason, it is respectfully submitted that claim 23 is further clearly patentable over the FROHBIETER reference.

It is respectfully submitted that claim 7 is also clearly patentable over the reference relied upon by the Examiner. In particular, and by the present response, Applicants have amended

claim 7 to recite, *inter alia*, that the cooling air outlets to the freezing and cooling chambers are symmetrically arranged about a rotational axis of the blower fan. This feature is clearly not shown by the FROHBIETER reference relied upon by the Examiner.

Moreover, numerous recitations of the various dependent claims are not taught, disclosed nor rendered obvious by the FROHBIETER reference. Even more so, the Examiner has not even addressed the limitations of the various dependent claims in the outstanding Official Action. In this regard, Applicants note the recitations of claim 10 which are not disclosed by the reference nor discussed by the Examiner. Similarly, the features of claim 15 are not taught by the reference nor are discussed by the Examiner.

Similarly, the Examiner has not addressed the limitations of claims 30 and 31 in setting forth the rejection, and these features are not disclosed by the reference relied upon by the Examiner. Further, since the only outstanding rejection is under 35 U.S.C. § 102, it is clear that the lack of any disclosure regarding these features renders the Examiner's rejection of the associated claims inappropriate and improper.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application.

Moreover, since the Examiner has not discussed the limitations of any claims in the present application, with the exception of claim 7, in the outstanding Official Action, should the Examiner persist in maintaining the rejection of any of the above-noted claims, the Examiner is respectfully requested to indicate with specificity where the recited features are disclosed by the reference relied upon.

In view of the above-noted deficiencies of the reference relied upon by the Examiner, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection, entry of the present amendment and with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.


SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the claims to even more further define the features of the present invention and to even more clearly emphasize the features by which the present invention defines over the reference relied upon. Applicants have additionally addressed shortcomings of the reference with respect to the unamended claims as well as shortcomings of the Examiner's rejection with respect to the explicit recitations of various dependent claims pending herein. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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